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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,253	04/26/2000	HENNING MAAB	PHD98.097	6706

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

JABR, FADEY S

ART UNIT	PAPER NUMBER
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3628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	09/530,253		MAAB ET AL.	
	Examiner		Art Unit	
	Fadey S. Jabr		3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 1-9 have been amended. Claims 1-9 remain pending and are again presented for examination.

Response to Arguments

1. Applicant's arguments filed 19 February 2007 have been fully considered but they are not persuasive.
2. Applicant's amendments filed 19 February 2007 with respect to 35 U.S.C. 112, first paragraph, have been fully considered and is therefore withdrawn for claims 1-2, 4-9. However, Claim 3 has not been corrected and is therefore upheld for claim 3.
3. Applicant argues that the Examiner fails to establish a *prima facie*. However, Examiner notes that Hertel discloses a system that includes a control logic unit which determines whether the location of GPS receiver is outside the permitted boundaries configured into an internal database in the system. Further, O'Mahony teaches a system that a location receiver and a system which includes a comparator for comparing the current location with the authorized locations using an authorized locations database. Therefore, the systems of Hertel and O'Mahony are within the same field of endeavor and together teach each and every limitation. Thus, the Examiner has established a *prima facie* case.
4. Applicant argues (with respect to claims 1 and 3) that Hertel fails to disclose a third party interrogates the information unit for the position of the least one data carrier. However, Examiner asserts that Hertel discloses this limitation. Hertel discloses a monitoring base station

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which to monitor the location of the data carrier (C. 5, lines 51-59). Further, Hertel discloses a parent (i.e. third party) can utilize the interrogator to instruct the GPS receiver to determine the child's current location (C. 6, lines 52-54). Therefore, Hertel discloses the above limitation.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added limitations directed to a **sub-area** have not been found within the specification.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hertel, U.S.

Patent No. 5,751,246 in view of O'Mahony, U.S. Patent No. 6,457,129 B2.

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As per **Claim 1**, Hertel discloses a locating system comprising:

- at least one data carrier associated with the object and located in a location defined by an absolute position (C. 2, lines 57-59; C. 3, lines 50-52; C. 4, lines 5-6); and
- an information unit which remote from the at least one data carrier for identifying a current area in which the data carrier is located based on the absolute position, determining area boundaries corresponding to the current area, and transmitting the area boundaries to the at least one data carrier, and identifying a new area in which the data carrier is located when the data carrier leaves the current area (C. 2, line 52- C. 3, line 6; C. 4, lines 37-39, C. 6, lines 52-60, C. 7, lines 18-26);

wherein said at least one data carrier transmits its position to the information unit only in case of initialization and in case of movement of the at least one data carrier from the current area and a third party interrogates the information unit from the position of the at least on data carrier (C. 2, lines 55-56, C. 5, lines 38-54).

Moreover, O'Mahony teaches a memory to include at least one authorized location for the system; and a comparator to compare the current location with the authorized location (C. 5, line 64 – C. 6, line 3, Claim 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Hertel and include a plurality of locations in which the object can be located when moved outside its current area as taught by O'Mahony, because it provides the system with a greater coverage area to locating the object.

As per **Claim 2**, Hertel further discloses a locating system wherein the at least one data carrier has a memory for storing the boundaries and absolute data, and a comparator for

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comparing the position data with the area information when the boundaries corresponding to the sub-area received by the at least one data carrier (C. 2, lines 61-63; C. 4, lines 10-11; C. 5, lines 38-40).

As per **Claim 3**, Hertel discloses a method of locating an object provided with a data carrier located in an area, the method comprising:

- receiving position data by the data carrier from a position-determining system (C. 3, lines 60-63);
- transmitting position data by the data carrier to an information unit (C. 4, lines 4-48);
- identifying, in the information unit, a current area in which the data carrier is located based on the position data (C. 2, line 52-C. 3, line 6; C. 6, lines 52-60, C. 7, lines 18-26);
- determining, in the information unit, area boundaries corresponding to the current sub-area (C. 2, lines 60-67; C. 3, lines 1-6, C. 6, lines 52-60, C. 7, lines 18-26);
- transmitting the area boundaries to the data carrier (C. 2, lines 60-67; C. 3, lines 1-6);
- comparing a position of the data carrier with the area boundaries (C. 5, lines 38-40);
- transmitting new position data to the information unit only in case of initialization and in case of a negative result of the comparison of the boundaries with the position of the data carrier (C. 5, lines 38-54);

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- identifying, in the information unit, a new area in which the data carrier is located when the data carrier leaves the current area (C. 6, lines 52-60, C. 7, lines 18-26);;
and
- interrogating the information unit from a third party for the position of the data carrier (C. 5, lines 43-51).

Moreover, O'Mahony teaches a memory to include at least one authorized location for the system; and a comparator to compare the current location with the authorized location (C. 5, line 64 – C. 6, line 3, Claim 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Hertel and include a plurality of locations in which the object can be located when moved outside its current area as taught by O'Mahony, because it provides the system with a greater coverage area to locating the object.

As per **Claim 4**, Hertel further discloses a method wherein the current area in which the data carrier is located is stored in the information unit (C. 4, lines 37-39).

As per **Claim 5 and 8**, Hertel fails to explicitly disclose wherein the plurality of possible areas are stored in the information unit as electronic maps. However, Hertel discloses a navigation system which comprises moving map displays that aid driver navigation (C. 2, lines 43-49). Hertel also discloses transmitting to the stored GPS receiver generated location to the interrogator for display to the shopper where the desired item is located (C. 3, lines 12-15). Further, Hertel discloses defining the space boundary of the permitted motion of the person or object (C. 3, lines 50-56).

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Further, O'Mahony teaches systems with maps for the purpose of having an authorized area of use (C. 6, lines 23-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Hertel and include electronic maps as taught by O'Mahony, because it provides added security for the system monitoring the receiver's location (C. 6, lines 60-64).

As per **Claim 6 and 9**, Hertel fails to explicitly disclose wherein the area boundaries are transmitted in the form of data of a polygon. However, Hertel discloses providing the spatial position of any person, where the spatial position is measured in x, y, z, and t coordinates (C. 2, lines 57-61; C. 3, lines 50-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Hertel and include providing the spatial position of a person in x, y, z and t coordinates, because it provides the user with a convenient form for outlining the spatial position of the person associated with the receiver.

As per **Claim 7**, Hertel discloses a method wherein the information unit provides the third party with the position data of the respective area (C. 3, line 38 – C. 6, line 5).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr
Examiner
Art Unit 3628

FSJ

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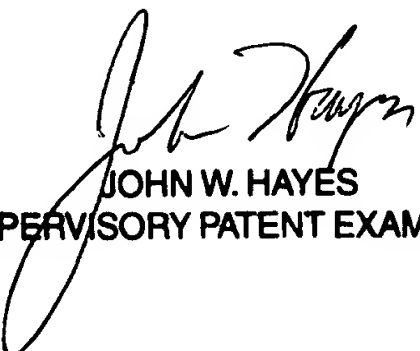
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or faxed to:

(571) 273-1516 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER